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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Ling et al.

Serial No: 09/883,848

Filed: June 18, 2001

For: Angiogenesis-Modulating
Compositions and Uses

Attorney Docket No. CIBT-P01-119

Art Unit: C. Yaen

Examiner: 1642

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REPLY TO RESTRICTION REQUIREMENT

Sir:

In reply to the outstanding Restriction Requirement, mailed May 6, 2003, in connection with the above application, Applicants hereby elect with traverse Group I, claims 1-17 and 25-27, drawn to a method of promoting angiogenesis in a subject comprising administering an angiogenic amount of a hedgehog polypeptide or agonist thereof. Applicants elect this invention with traverse, because the invention of Group I, claims 1-17 and 25-27, and the invention of Group III, claims 18-24 and 30-34, encompass overlapping subject matter based on methods of modulating angiogenesis. Accordingly, Groups I and III could be examined simultaneously without significant additional burden. The Restriction Requirement additionally contained a requirement to elect a particular agent within the elected group for prosecution on the merits. Applicants elect with traverse SEQ ID NO: 15 which corresponds to human Sonic hedgehog.

It is respectfully submitted that the Examiner's requirement to further restrict Applicants' election of Group I to one particular agent for promoting angiogenesis is unduly burdensome. Applicants submit that each class of agents disclosed by Applicants (hedgehog nucleic acids and